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Wednesday, July 10, 2013

Rep. Joe Courtney (D-Conn.) Prepared Remarks for Subcommittee on Workforce Protections Hearing on “Examining the Labor Department’s Proposed Reforms to the FECA Program”

WASHINGTON, DC – The following are prepared remarks by Rep. Joe Courtney (D-CT), the senior Democrat on the House Education and the Workforce Committee’s Subcommittee on Workforce Protections, for the hearing on the Federal Employees’ Compensation Act.

Chairman Walberg, thank you for calling this hearing today to discuss the Federal Employees’ Compensation Act, or FECA.

FECA has been the governing statute providing benefits for federal civilian workers injured or killed on the job since 1916. Not only does it provide compensation for lost wages, medical care, and vocational rehabilitation, but it also ensures that disabled workers are not impoverished while their claims are being processed, by continuing their pay for 45 days following an injury. This Committee has primary jurisdiction over workers’ compensation laws, and has overseen and repeatedly improved FECA since 1949.

At the outset, it is worth noting some the key principles which underpin this law:

- First, workers and their families should be no worse off, and no better off, than if the worker had not been injured or made ill in the course of their federal service. Those who are disabled from their work on behalf of the American people should not be forced to bear any of that cost.
- Second, since workers surrender their right to bring tort claims against the government for work-related injuries, they need to be fairly compensated in a timely manner, with benefits administered in a non-adversarial manner.
- Civilian federal workers from all three branches of government are and should be treated equally under FECA, whether they are firefighters, overseas food inspectors, law enforcement officers, or postal workers.

This hearing follows a bipartisan effort by this Committee in the 112th Congress to enact consensus reforms that improved program integrity, modernized benefits that had not been updated since 1949, expanded the availability of medical providers, and provided civilian federal workers who are injured in a zone of armed conflict with an additional 90 days to receive pay while they file a FECA claim. These reforms were reported out of Committee in July 2011 as the Federal Workers' Compensation Modernization and Improvement Act, H.R. 2465, and passed the House by voice in November 2011. Regrettably, this legislation was not adopted by the Senate.

Mr. Chairman, I hope that bill can serve as a foundation upon which to build a bipartisan reform effort going forward.

Today's hearing will review the Department of Labor's proposal to "redesign" benefits under FECA. DOL's proposal reduces the compensation rate for permanently disabled workers at retirement age, reduces benefits for those with families, and lowers the cap on benefits for widows and orphans of federal workers killed on the job.

In July 2011, this Committee jointly asked the Government Accountability Office to assess whether injured workers in the Federal Employee Retirement System would wind up worse off under the DOL's proposal than if they had worked a full career and never been injured. In late 2012, GAO issued three reports covering impacts to federal workers, postal workers and partially disabled workers. Included in these reports was the finding that cutting FECA benefits for permanently disabled workers at retirement age would leave them {median disabled workers} with 31% to 35% less than the median benefit package they would have earned if they had never been injured.

To date, the Department of Labor has not modified its proposals in response to these GAO reports. I hope today's hearing will explore GAO's findings and help us understand whether we can expect any changes to the Department of Labor's proposal.

I want to thank the witnesses for their preparation, and extend my appreciation for those who had to travel a long distance to be with us at this hearing.

I yield back the balance of my time.

<http://democrats.edworkforce.house.gov>